

City Council Introduction: **Monday**, June 11, 2001
Public Hearing: **Monday**, June 18, 2001, at **1:30 p.m.**

Bill No. 01R-150

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1914**, requested by David L. Johnson on behalf of the Rape/Spouse Abuse Crisis Center, for authority to use a Landmark as a crisis center, located at 2545 N Street.

STAFF RECOMMENDATION: Conditional Approval.

ASSOCIATED REQUEST: Change of Zone No. 69HP (01-101)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/30/01
Administrative Action: 05/30/01

RECOMMENDATION: Conditional Approval (8-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Steward, and Taylor voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. This special permit and the associated landmark designation were heard at the same time before the Planning Commission.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the Pace-Woods House qualifies as a landmark and its use by RSACC offers an important community service.
3. The testimony by the Historic Preservation Planner is found on p.6-7.
4. The testimony by the applicant is found on p.7, and the record consists of one letter in support (p.17-18).
5. There was no testimony in opposition.
6. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 4, 2001

REVIEWED BY: _____

DATE: June 4, 2001

REFERENCE NUMBER: FS\CC\FSSP1914

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit No. 1914

DATE: May 21, 2001

PROPOSAL: David L. Johnson, on behalf of the Rape/Spouse Abuse Crisis Center, (RSACC) requests a special permit for historic preservation to operate the RSACC agency in the property at 2545 N Street.

GENERAL INFORMATION:

APPLICANT: David L. Johnson
on behalf of the Rape/Spouse Abuse Crisis Center
2545 N Street
Lincoln, NE 68510
(402)483-1556

CONTACT: David L. Johnson
4728 Prescott Ave.
Lincoln, NE 68506
(402)483-1556

LOCATION: Southwest corner of 26th and N Streets

REQUESTED ACTION: Approval of special permit to operate a human services agency.

ASSOCIATED REQUEST: Change of Zone #69HP

LEGAL DESCRIPTION: Lot 60 I. T., NE 1/4 Sect 25-T10N-R6E, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-6 Residential District.

SIZE: 7,810 square feet, more or less.

EXISTING LAND USE: Counseling center & offices.

SURROUNDING LAND USE AND ZONING: R-6 Residential District to all sides, with single family housing east, south, and west (some converted to multiple family use); B-3 Commercial District on north side of N Street; landmark (Murphy Sheldon House) nearby to west, used as law offices (under landmark special permit); "Lighthouse" youth social services to northwest (across N Street); R-7 Residential District to west at SE corner of 25th & N, occupied by multiple-story apartment building; P (Public Use) on SW corner of 25th & N Street, occupied by Elliott Elementary School.

ANALYSIS:

1. This is a request to use the wood-frame building at 2545 N Street as the office, and counseling center for the Rape/Spouse Abuse Crisis Center (RSACC). This agency has owned and operated from this facility since 1991, having followed a group home in the premises. A group home can be permitted in the R-6 residential district if it meets certain conditions, especially in spacing (separation) from another group home. RSACC is not a group home in that it does not offer residential services and erred in its assumption that the agency would meet the same zoning description as the group home. In discussion with staff from the Planning Dept. and Building and Safety Dept., it appears that the current application is the best avenue for City Council to approve the existing use of this property by its owner, RSACC.

This request is associated with Change of Zone #69HP, which is a request to designate the property as an historic landmark.

2. Lincoln Municipal Code Section 27.63.400 states, in part:
In any zoning district a special permit may be granted to allow the preservation of a historic structure or site and the reuse thereof. This permit shall be limited to structures or sites designated as landmarks under Chapter 27.57.
(a) The City Council may approve, by special permit, any use of a historic structure or site in any zoning district after review and consideration of the following:
 - (1) The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;*
 - (2) The extent to which economic factors necessitate the change in use;*
 - (3) The extent of proposed exterior change to the structure or site;*
 - (4) The impact on the surrounding area;*
 - (5) The compatibility of the proposed use to the structure or site and the surrounding area; and*
 - (6) The manner in which the public will be benefitted by such proposed use.*

3. The landmark application for the Pace-Woods House (2545 N Street) states in part that

The Pace-Woods House is a fine example of a Queen Anne style house in Lincoln, Nebraska. Although the house contains a significant amount of alterations, there has been a clear effort of restoration and rehabilitation. Mr. Mark Woods was a successful entrepreneur in Lincoln, acting as president of Woods Brothers Silo and Manufacturing Company which he founded with his brother. Since that time, his sons and grandsons have continued to make a significant and positive impact on the community.

4. The Historic Preservation Commission voted unanimously on February 15, 2001 to find that the Pace-Woods House met the "Standards for Designation" of a Lincoln Landmark for association with significant persons and for architectural significance. The first consideration of 27.63.400--the significance of the structure, appears met.
5. Permitting the use of 2545 N Street by RSACC requires a change of zone or a special permit. The R-6 district is described as "a generally redeveloping area of moderately high residential density" which in addition to houses, duplexes, and apartments, accommodates lodging and boarding houses, fraternities and sororities, private clubs, and support facilities, such as schools, parks, community buildings, and churches." Uses within a block include Elliott Elementary School, the "Lighthouse" teen facility, and the Murphy-Sheldon House, a designated landmark which operates as a law office, under a landmark special permit.

Regarding the second issue raised by 27.63.400--the degree of variation between the requested use and residential uses allowed in the district--the degree might be described as moderate. The degree of variation between the requested uses and uses in the surrounding area might better be described as slight, considering the non-residential uses listed above. The location at the edge of the transition area between commercial uses associated with O Street and residential uses is a sensitive one. Like the special permit approved for the neighboring Murphy-Sheldon House, this request keeps an historic building in place and residential zoning unchanged, while allowing a somewhat more intensive use. The applicant states the building meets the agency's need for a facility that is homelike and inviting, while centrally located in the city and easily accessible by bus, car, and on foot.

6. The degree to which economic factors necessitate the change in use is subjective, but the agency has invested substantially, over a decade, in the exterior and interior rehabilitation of the house. David Johnson stated in his letter accompanying the application "We feel that we could not find another location that would serve our needs that is as cost effective as this facility."
7. The extent of proposed exterior change is confined to improvements to the existing parking area on the south side of the site, and modifying the fence that encloses the rear yard. The Historic Preservation Commission approved these modifications as appropriate to the landmark.
8. Key issues in the review of landmark special permits by Planning Commission are the interrelated items 4, 5, and 6 in LMC27.63.400--the impact on the surrounding area, the compatibility of the proposed use with the structure and the area, and the public benefit of the proposed use. The impact of permitting RSACC to use the house has been tested for a decade and apparently has not been adverse, as no complaints have been yet received through the public hearings or notifications conducted to date.

The public will benefit by the requested use through the critical services offered by RSACC and through the continued maintenance of a neighborhood landmark.

CONCLUSION: The Pace-Woods House qualifies as a landmark and its use by RSACC offers an important community service.

STAFF RECOMMENDATION: Conditional Approval

CONDITIONS:

Site Specific:

1. This approval permits the use of the Pace-Woods House by RSAAC as a human services office and counseling center.
2. Site improvements must comply with the attached site plan.
3. Any modification of signs for the landmark must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to installation.

General:

4. The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
 - 5.1 All privately-owned improvements shall be permanently maintained by the owner.
 - 5.3 The site plan accompanying this permit, approved by the City Council represents the official approved permit, and shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, etc.
 - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Edward F. Zimmer, Ph.D.
Planner II

**CHANGE OF ZONE NO. 69HP
FOR A LANDMARK DESIGNATION
and
SPECIAL PERMIT NO. 1914**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 30, 2001

Members present: Krieser, Carlson, Taylor, Duvall, Newman, Schwinn, Steward and Bayer; Hunter absent.

Planning staff recommendation: Approval of the landmark designation and conditional approval of the special permit.

Ed Zimmer of the Planning Department submitted a letter in support received from John Recknor, a neighbor at 2525 N Street.

Zimmer showed slides of the subject property. This house has incurred a number of exterior changes over time, but there is abundant exterior detail from its ornate origins in the late 1880's and the current owners have painted it to enhance those features and strengthen the appearance. A corner porch was added in the early 20th century and an upper floor was added to the porch later. There is a double story bay window on the east side with ornate brackets and trim. There is also very good survival on the interior even though it has been used for apartments, a group home and office use for several years. Even the exterior of the house on the second floor within the added porch retains all of the original features of the house.

The guidelines adopted by the Historic Preservation Commission suggest that the upper enclosure of the porch be removed in the future, if possible.

With the landmark application comes a special permit request under the specific provision that allows landmarks to request any use in any zoning district. The proposal is for continued use of the property as the Rape/Spouse Abuse Crisis Center. It has been in this use for quite some time. This seems to staff to be an appropriate zoning provision to regularize the existing and ongoing use.

Steward inquired whether there are any other properties on that block that are candidates for similar designation. Zimmer advised that the small house between this Pace-Woods House and the Murphy Sheldon House is a much more modest house with 19th century features and an added porch, but it has been re-sided in a later material. If it were associated with either of the other two houses it would have some possibility. A parallel example could be the Rogers House Bed & Breakfast that in later years expanded to the house beside it as a landmark special permit.

Steward commented that the property is at a transition in both time and location, and he wondered whether individual property is the best protection. Zimmer does not believe we have a historic district here. There are properties of interest, but there is a very large apartment building on the corner. This is a spotty area and he believes individual fits the case better than a district designation.

Carlson confirmed that there have been no comments from the residents or owners of the house in the middle. Zimmer confirmed that to be true.

Proponents

1. David Johnson, President of the Board of the Rape/Spouse Abuse Crisis Center (RSACC) and the architect, appeared to answer any questions. This is a use that has been in the building for 10 years. The need for this special permit to use the property for the Rape/Spouse Abuse Crisis Center became an issue when they applied for building permits for some renovations.

There was no testimony in opposition.

Public hearing was closed.

CHANGE OF ZONE NO. 69HP

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 30, 2001

Duvall moved approval, seconded by Newman and carried 8-0: Krieser, Carlson, Taylor, Duvall, Newman, Schwinn, Steward and Bayer voting 'yes'; Hunter absent.

SPECIAL PERMIT NO. 1914

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 30, 2001

Duvall made a motion to approve the Planning staff recommendation of conditional approval, seconded by Newman and carried 8-0: Krieser, Carlson, Taylor, Duvall, Newman, Schwinn, Steward and Bayer voting 'yes'; Hunter absent.



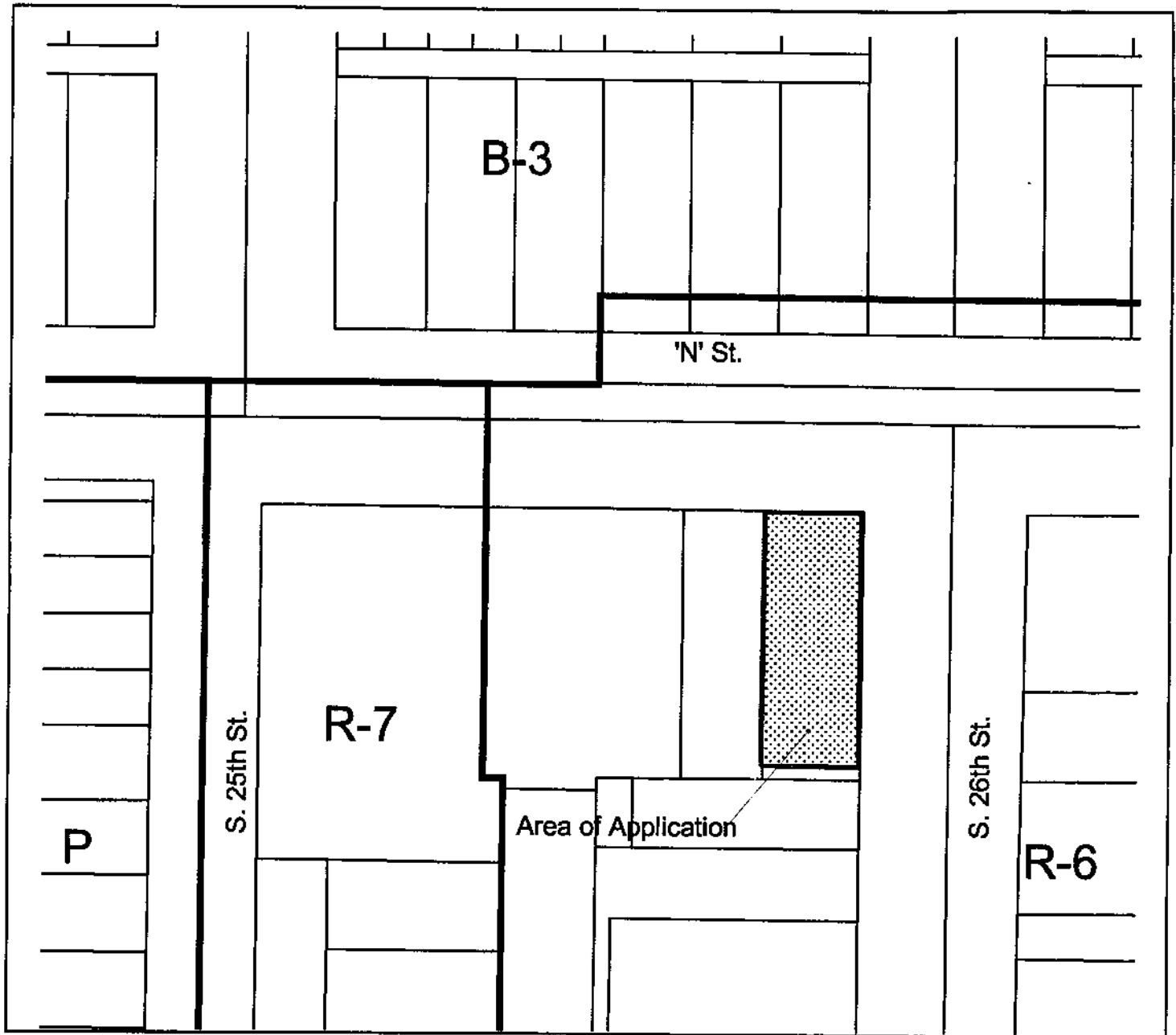
**Change of Zone #69HP
Special Permit #1914
S. 25th & 'N' St.**



Date: _____ 008

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

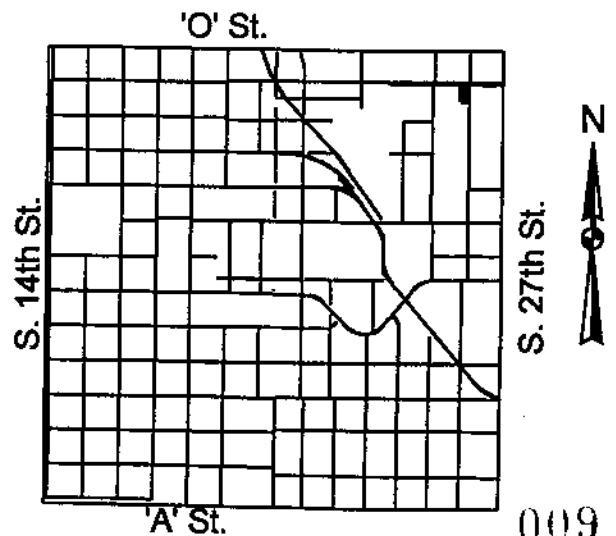
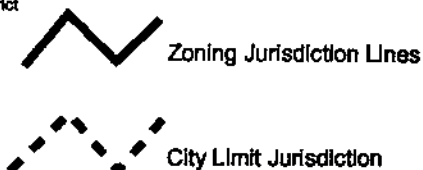


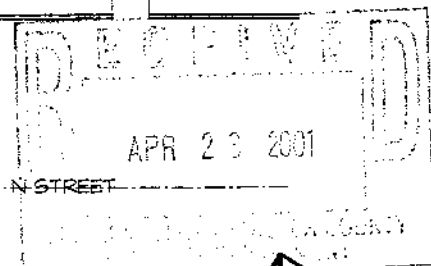
**Change of Zone #69HP
Special Permit #1914
S. 25th & 'N' St.**

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	General Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 25 T10N R6E





Telephone: 502-483-1304, Fax: 502-483-1349, E-mail: wjw@jwconsulting.net



January 9, 2001

Ed Zimmer
Planning Department
City of Lincoln
555 South 10th Street
Lincoln, Nebraska 68508

Dear Ed,

I have included in this letter additional information to supplement the materials I provided on behalf the Rape Spouse Abuse Crisis Center dated December 6th 2000, concerning the Historical Preservation and the Special Permit for 2545 N Street.

The Rape / Spouse Abuse Crisis Center (RSACC) has been occupying this facility at 2545 N Street since 1991. After purchase of this house from Lincoln/Lancaster Drug Project, only some cosmetic improvements where made. We under took a capital campaign to raise to this facility in 1996 through 1998. RSACC invested in improvements to the property of over \$200,000, since 1998. These included increasing the safety and accessibility of the property, installing heat pumps and improvements for energy efficiency, replacing the roof, painting interior and exterior and cosmetic improvements.

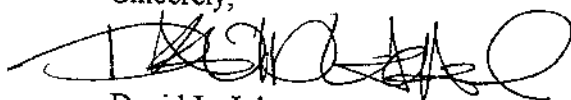
RSACC is a 501 (c) (3) non-profit organization relying on grants and individual and community donations to fund the services. The agency attempts to keep it overhead budget to a minimum so that the direct services to victims and their families receive as much of the funds as possible. We feel that this location is ideal for our mission in that it is close to the downtown and criminal justice services, on a bus route, and the structure and neighborhood setting are inviting to people in crisis. Our clientele need to feel they are entering a friendly and safe environment. A facility that is for lack of a better description 'commercial' would not provide the atmosphere that we feel is so important to our mission. We feel that we could not find another location that would serve our needs that is as cost effective as this facility. RSACC is purchasing this property and as a part of the capital campaign we have included in this budget to pay off the mortgage.

We do not plan to make any further changes to the exterior of the structure, we have painted the building in a way that brings back some of the original design elements. Previous owners had white washed the building.

We feel that RSACC impacts the neighborhood a in a positive fashion. The Wood Park Neighborhood Association is a supporter of RSACC and has used the facility to hold Board and committee meetings and contributed to the capital campaign. The community in general benefits greatly by the services provided by RSACC. I have included some supplementary information on RSACC's mission and services for your review.

Please contact me when you know if we can get on the agenda of the Historical Preservation Commission. If you have additional questions, please call me at 483-1556 or Marcee Metzger at 476-2110.

Sincerely,



David L. Johnson
RSACC Board President



RAPE SPOUSE ABUSE CRISIS CENTER

Rape Spouse Abuse Crisis Center's history and mission.

The Rape Spouse Abuse Crisis Center (RSACC) began in 1974 as the Lincoln Coalition against Rape, a campus/community group organized to provide support services to victims of sexual assault. In 1976 the organization became part of Family Services Association. In 1978, the program expanded to include domestic violence and received National Justice Funds. The program continued to grow adding services for incest survivors, until in 1989 it incorporated as an independent non-profit 501(c) (3) corporation, in order to be more exclusively focused on the issues of domestic violence, sexual assault and incest.

The agency has continued to develop. It purchased a facility in 1992 at 2545 N Street. Additional comprehensive services have been added to address the problems of children witnessing domestic violence, teens experiencing peer relationship violence and sexual assault, hospital screenings and advocacy for domestic violence and sexual assault and enhancing our 24-hour crisis intervention and advocacy and community coordination.

RSACC's mission is two fold: A.) To provide services to victims and their significant others who are faced with the traumatic aftermath of sexual assault, domestic violence and incest; and B.) To provide information about these crimes for the purposes of citizen awareness and prevention and to enhance the sensitivity and professional understanding of those who may work with individuals involved with these problems.

Needs and problems RSACC addresses

A woman is beaten every 15 seconds in the United States. The U.S. Surgeon General has identified battering as the single largest cause of injury to women, affecting 4 million each year. In addition children from homes where there is spouse abuse are six times more likely to be abused then children from the general population. In 1990 the RSACC crisis center received 5,910 calls through the crisis line. In 1999 this number of calls increased to 17,032. The average number of incident reports provided to RSACC from the police department has risen from an average of 40 per month in 1991 to 140 per month in 1999. In 1988 RSACC provided face to face counseling and advocacy services to 254 women; in 1999 these services were provided to 3,288 victims.

RSACC's primary focus is on the provision of crisis intervention, advocacy and prevention services for domestic violence, sexual assault and incest. Services are provided to victims and their families. While the majority of the adult victims are women, all of our services but our groups are provided to male victims.

Current Programs

RSACC's current program includes the following services for victims of domestic violence, sexual assault and incest, and their families.

- A. 24/hour Crisis Line. Paid and volunteer staffs who have completed 40 hours of training staff this crisis line. Friendship Home, the local battered women's shelter, advertises the crisis line as the community number for battered women to access shelter.
- B. Counseling. RSACC provides crisis and short-term counseling with sensitivity to the issues and concerns of victims and their families. In order to respond to the crisis concerns of victims, drop in counseling is available from 9-4p.m.. Additional hours are available for scheduled counseling.
- C. Groups. Support groups to help adult victims of domestic violence, sexual assault and incest in addition to support groups for children who have witnessed family violence and teens experiencing dating violence and sexual assault are offered on an on-going basis. The groups provide a safe, confidential and supportive environment for victims to discuss their feelings and issues resulting from their own experiences. childcare is available.

RSACC also provide educational groups. Those offered regularly are parenting for battered women, "Positively Angry" for victims dealing with anger issues and a group for significant others on understanding responses to violence.

- D. Advocacy. Advocates will accompany a victim to the hospital and attend interviews with law enforcement 24 hours a day. All three Lincoln hospitals have emergency room protocols that include contacting RSACC's advocate for all sexual assault victims. RSACC is a part of a sexual response team, which includes law enforcement, nurse examiners, prosecutors and RSACC advocates. The hospitals also have developed a screen of domestic violence for all women 16 and over. When a women's screen is positive, she is offered and RSACC advocate to help with safety planning and to identify services available to her in the community.

Advocates will accompany a victim to court, providing emotional support and information on the criminal justice process. RSACC advocates will assist with filing protection order forms, filing the petition, developing safety plans and attends hearings with victims of domestic violence and sexual assault. Follow up with victims on the criminal justice system is available from incident through probation or parole.

Enhanced 24-hour advocacy has been implemented with the Lincoln Police Department and Lancaster County Sheriff's Department. After a batterer has been jailed, the police officer coordinating the case will contact an advocate who will either go out to the victim's home or phone in order to provide support and information prior to the release of the batterer.

E. Resources. Basic need items such as furniture, household goods and diapers etc. are available at RSACC. Legal Services of Southeast Nebraska provides legal assistance on-site at RSACC one day a week. Friendship Home staff meets with battered women on their waiting list to discuss shelter options. A resource bank, which has locksmiths, movers, emergency childcare, etc. has been developed for referrals.

F. Community Education and Training. Speakers address classrooms, parent groups, civic organizations, church groups and other groups requesting presentations on domestic violence, sexual assault, incest, children witnessing domestic violence and RSACC services. We are currently offering the curriculum "Reaching and Teach Teens About Violence" in the middle and high schools. Training and training materials are available to community professionals who may be in contact with victims and their families.

G. Funding. RSACC received funds from the Nebraska Department of Health and Human Services, Joint Budget Council, Nebraska Crime Commission, United Way, Nebraska Child Abuse Prevention Fund, local Foundations and individual and group donations.

**Rape Spouse Abuse Crisis Center
Annual Stats**

	1998	1999
*Unduplicated Face to Face Clients		
Domestic Violence	1,990	2,395
Sexual Assault & Incest	771	893
Groups Attendance		
Domestic Violence	614	454
Sexual Assault	327	261
Crisis Line Activity	16,261	17,032
Community Education Presentations		
Domestic Violence	103	99
Sexual Assault	75	62
Volunteer Hours	12,093	14,263

*These numbers do not include children receiving childcare, significant others or clients receiving extended counseling and advocacy over the phone.+

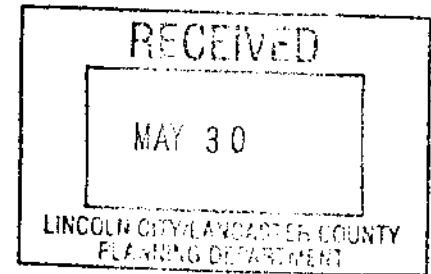
Recknor & Associates

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LEGAL ASSISTANT
MELANY FALTIN TATE

May 29, 2001



Edward F. Zimmer
Historic Preservation Planner
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Change of Zone 69HP and Special Permit No. 1914

Dear Ed:

As President of Recknor & Associates Real Estate Incorporated, I am pleased to announce, after conferring with the Board of Directors, that the corporation is in full support of the application to designate the Pace-Woods House at 2545 N Street a landmark. It is a grand old house and is being very well used. When we moved in over here at the Murphy-Sheldon House at 2525 N Street, we were curious about whether the use of the Pace-Woods House would be problematic. Despite any preconceived notion some people might have, the house is very unobtrusive and its activities are virtually unknown within the neighborhood.

In that our house is also historically designated, we are very much in support of these other structures being designated for historical purposes. We are also delighted to see these houses being put to worthy uses.

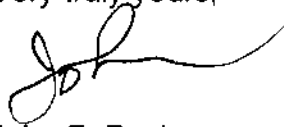
By the way, I strongly endorse this neighborhood. We have become acquainted with our friends across the street at The Lighthouse, as well as the neighbor between us and the Pace-Woods House.

If there is anything I can do to assist the landowner or you in promoting this designation for the Pace-Woods House, I would be very pleased to do so.

Incidentally, all of us working here at 2525 N Street, love the place and feel lucky to have been able to avail ourselves of Bob and Vicki Northrup's handiwork.

Best regards.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JFR', with a long, sweeping horizontal line extending to the right.

John F. Recknor

JFR:djr